

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

LISA S. BLACK,) **CIVIL ACTION NO. 05-0038**

Plaintiff,)

vs.)

**JIM BREWER, individually and in his
official capacity as Acting Principal for
Hopwood Junior High School,
COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS PUBLIC SCHOOL
SYSTEM, and JOHN AND/OR JANE DOE,**)

Defendants.)

**REQUEST FOR PERMISSION TO
CONDUCT TESTIMONY VIA
CONTEMPORANEOUS
TRANSMISSION**

Plaintiff, by and through counsel, pursuant to Federal Rule of Civil Procedure 43(a) and for good cause shown, hereby requests this Court's permission to present the testimony of two of its witnesses by contemporaneous transmission from a remote location.

Plaintiff intends to present the expert testimony of Dr. Edward F. Dragan ("Dr. Dragan"). Dr. Dragan lives and works in New Jersey. *See* Declaration of George L. Hasselback, Esq. ("Hasselback Decl.") at paragraph 2. Counsel for Plaintiff has communicated with Dr. Dragan and determined that his remote testimony via teleconference will save the Plaintiff approximately ten thousand dollars (\$10,000.00) in costs. *Id.* Furthermore, it is in the best interests of Defendants to minimize the costs of Plaintiff as they could be taxed this costs under Federal Rule of Civil Procedure 54(d) if Plaintiff is deemed a "prevailing party" after trial.

1 Additionally, Plaintiff's witness Robert Schwalbach ("Mr. Schwalbach") currently
2 resides in Washington, D.C. and is pursuing an advanced degree. Hasselback Decl. at
3 paragraph 3. Mr. Schwalbach has informed Plaintiff's counsel that his study and classroom
4 schedule will not allow him to travel to Saipan to testify at trial. *Id.* Furthermore, as in the
5 case of Dr. Dragan, Mr. Schwalbach's appearance by remote transmission will save the
6 Plaintiff (and potentially the Defendants) several thousands of dollars as it will no longer be
7 necessary to purchase Mr. Schwalbach an airplane ticket.
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10 Considering that the CNMI's remote location and the difficulty and expense involved in
11 the appearance of witnesses for trial, this Court should encourage the use of teleconferencing
12 equipment to reduce the amount of costs to parties. This Court has already invested significant
13 resources in equipping its courtroom with video-conferencing equipment and training its staff
14 to effectuate simultaneous transmission of testimony from numerous remote locations. Since
15 the appearance of these witnesses via video-conference will be contemporaneous with their
16 questioning by counsel for parties, for all intents and purposes they will be able to "appear" at
17 trial. This approach, however, will allow the savings of thousands of dollars and will minimize
18 the disruption that these witnesses must face.
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22 For the aforementioned reasons, Plaintiff respectfully requests that this Court allow the
23 appearance of Dr. Dragan and Mr. Schwalbach via remote video and audio transmission, the
24 particulars of which will be arranged by Plaintiff with this Court's technical support personnel.
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Respectfully submitted February 6, 2007:

O'CONNOR BERMAN DOTTS & BANES
Attorneys for Plaintiff Lisa Black

By: _____/s/_____
GEORGE L. HASSELBACK (F0325)